

ESTTA Tracking number: **ESTTA680262**

Filing date: **06/25/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214312
Party	Plaintiff Diageo Brands B.V.
Correspondence Address	THEODORE H DAVIS JR KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET, STE. 2800 ATLANTA, GA 30309-4528 UNITED STATES tdavis@ktslaw.com, svayner@ktslaw.com, kteilhaber@ktslaw.com, tmadmin@ktslaw.com
Submission	Motion to Amend Pleading/Amended Pleading
Filer's Name	Theodore H. Davis Jr.
Filer's e-mail	tdavis@ktslaw.com,svayner@ktslaw.com,kteilhaber@ktslaw.com,diageodocketing@ashurst.com,tmadmin@ktslaw.com
Signature	/Theodore H. Davis Jr./
Date	06/25/2015
Attachments	leave2.pdf(415983 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Diageo Brands B.V.,)	
)	
Opposer/Counterclaim Respondent,)	
)	Opposition No. 91214312
v.)	
)	
Midway Trading Corp.,)	
)	
Applicant/Counterclaim Petitioner.)	

**OPPOSER/COUNTERCLAIM RESPONDENT DIAGEO BRANDS B.V.'S MOTION
FOR LEAVE TO AMEND NOTICE OF OPPOSITION**

Opposer/Counterclaim Respondent, Diageo Brands B.V. (“Diageo”) respectfully moves the Board for leave to amend its Notice of Opposition to add claim preclusion as an additional ground for the ineligibility for registration of the mark at issue and to make certain additional amendments related to that additional ground. Diageo’s proposed Amended Notice of Opposition is attached as Exhibit 1.

In support of this motion, Diageo submits that, in addition to the TANDUAY mark at issue in this proceeding, the USPTO’s records are replete with past claims to marks that include the word “Tanduay” and that have been filed by entities or individuals in apparent privity with an entity named Tanduay Distillers, Inc., d/b/a Tanduay Rum. These include:

- (1) abandoned application Serial No. 73332868 to register TANDUAY PHILIPPINE RUM for rum, filed by Garner and Garner International, Inc.;
- (2) abandoned application Serial No. 74449156 to register TANDUAY RHUM for rum, filed by Twin Ace Holding Corporation;
- (3) abandoned application Serial No. 75519876 to register TANDUAY for rum, filed by Tanduay Distillers, Inc.;

- (4) abandoned application Serial No. 78128272 to register TANDUAY for “alcoholic drink – rum,” filed by Dual Trading, Inc.;
- (5) abandoned application Serial No. 78478838 to register TANDUAY RUM (and design) for “ALL distilled spirits made from sugar cane and labelled TANDUAY RUM, FOR DISTRIBUTION IN THE USA.,” filed by Guy A. Taylor;
- (6) cancelled Reg. No. 4172459 of TANDUAY for rum, voluntarily surrendered for cancellation by FBC Worldwide, LLC;
- (7) cancelled Reg. No. 4168761 of TANDUAY RUM for rum, voluntarily surrendered for cancellation by FBC Worldwide, LLC;
- (8) abandoned application Serial No. 85215927 of TANDUAY RHUM for rum, filed by FBC Worldwide, LLC; and
- (9) abandoned application Serial No. 85584009 to register TANDUAY for rum, filed by Applicant/Counterclaim Petitioner Midway Trading Corp. (“Midway”).

Although Diageo’s research into the relationship between these various filings and claimants is not complete, that research has disclosed so far that either the predecessors in interest of, or privies to, the current parties were adversaries in Opposition No. 99,435, in the course of which application Serial No. 74/449,156 to register the TANDUAY RHUM mark for rum was withdrawn without consent and judgment entered against either Midway’s predecessor or Midway’s privity. Diageo’s original Notice of Opposition in this case relied on the confusion and dilution likely to arise from the registration of Midway’s mark as its bases; Diageo’s amended Notice of Opposition identifies the claim-preclusive effect of the final judgment in Opposition No. 99,435 as an additional basis.

The Board recently has noted its “general policy of liberally granting leave to amend pleadings at any stage of a proceeding when justice so requires, unless entry of the proposed amendment would be prejudicial to the rights of the adverse party or would violate settled law.” *Prosper Bus. Dev. Corp. v. Int’l Bus. Mach. Corp.*, 113 U.S.P.Q.2d 1148, 1152 (T.T.A.B. 2014). Here, no such considerations are present: On the contrary, this action remains in the discovery period, and both parties therefore have the opportunity to pursue the information necessary to frame the claim-preclusion issue presented by Diageo’s amended notice. *See Microsoft Corp. v. Qantel Bus. Sys. Inc.*, 16 U.S.P.Q.2d 1732, 1733-34 (T.T.A.B. 1990) (allowing amendment in proceeding still in the discovery stage and in absence of showing of undue prejudice); *see also Commodore Elecs. Ltd. v. CBM Kabushiki Kaisha*, 26 U.S.P.Q.2d 1503, 1505 (T.T.A.B. 1993) (granting leave to amend pleading following summary judgment order); *Focus 21 Int’l Inc. v. Pola Kasei Kogyo Kabushiki Kaisha*, 22 U.S.P.Q.2d 1316, 1318 (T.T.A.B. 1992) (granting motion for leave to amend filed during testimony period).

For the reasons set forth above, Diageo requests the Board to grant its motion for leave to amend its Notice of Opposition to the form set forth in Exhibit 1.

Respectfully submitted,

/s/ Theodore H. Davis Jr.

Theodore H. Davis Jr.

Sabina A. Vayner

Counsel for Opposer Diageo Brands

Diageo Brands B.V.

Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4528
404-815-6500 (tel.)
404-815-6555 (fax)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DIAGEO BRANDS B.V.,)	
)	
Opposer/Counterclaim Respondent,)	
)	
v.)	Opposition No. 91214312
)	
MIDWAY TRADING CORP.,)	
)	
Applicant/Counterclaim Petitioner.)	
_____)	

CERTIFICATE OF SERVICE

This is to certify that a copy of the attached document was served on Applicant/Counterclaim Petitioner's counsel of record on June 25, 2015, via first-class mail addressed to:

Lisa Greenwald-Swire, Esq.
Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

/s/ Theodore H. Davis Jr.
Counsel for Diageo Brands B.V.

Exhibit 1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DIAGEO BRANDS B.V.,)	
)	
Opposer/Counterclaim Respondent,)	
)	
v.)	Opposition No. 91214312
)	
MIDWAY TRADING CORP.,)	
)	
Applicant/Counterclaim Petitioner.)	
_____)	

AMENDED NOTICE OF OPPOSITION

Opposer Diageo Brands B.V. (“Opposer”) will be damaged by the registration of the mark TANDUAY (“Applicant’s Mark”) for “rum” in International Class 33, as shown in the above-noted application, Serial No. 85/834,409, and hereby opposes the same pursuant to Section 13(a) of the Trademark Act of 1946, as amended (the “Lanham Act”), 15 U.S.C. § 1063(a).

As grounds for the opposition, Opposer alleges that:

1. Opposer Diageo Brands B.V. is a Netherlands limited company with its principal place of business located at Molenwerf 10-12, Amsterdam, 1014 BG, Netherlands. Opposer’s predecessors-in-interest include United Distillers PLC, also trading as Charles Tanqueray & Co.

2. Opposer and its predecessors-in-interest have owned and used various marks consisting of or including TANQUERAY (collectively, “Opposer’s Marks”) in commerce in the United States in connection with alcoholic beverages and related goods and services since at least as early as 1892 – more than a century before the January 28, 2013 filing date of the

application herein opposed, the March 29, 2012 first use date claimed in the application, or any other date upon which Applicant can rely in this proceeding.

3. During its continuous use of Opposer's Marks, Opposer and its authorized wholesalers, distributors, and retail accounts have expended considerable time, effort and money in advertising and publicizing the sale of alcoholic beverages and related goods and services bearing those marks in the United States.

4. During its continuous use of Opposer's Marks, Opposer has directly and indirectly sold, and offered for sale, alcoholic beverages and related goods and services bearing those marks throughout the United States.

5. Opposer's Marks are strong and famous and have been so from a date prior to Applicant's application date, Applicant's claimed first use date, or any other date upon which Applicant can rely in this proceeding.

6. In addition to Opposer's strong common-law rights in Opposer's Marks, Opposer owns incontestable U.S. Reg. No. 120,024 for TANQUERAY for "dry gin" in International Class 33, registered January 1, 1918 based on use and use in commerce since 1892; incontestable U.S. Reg. No. 1,438,675 for TANQUERAY for "gin" in International Class 33, registered May 5, 1987 based on use and use in commerce since 1986; incontestable U.S. Reg. No. 3,369,110 for TANQUERAY for "distilled spirits" in International Class 33, registered January 15, 2008 based on use and use in commerce since 1986; and incontestable U.S. Reg. No. 2,874,913 for TANQUERAY for "alcoholic beverages, namely vodka" in International Class 33, registered August 17, 2004 based on use and use in commerce since 1989, among others. Copies of the certificates and electronic status records for these registrations, which are valid, subsisting, and in full force and effect, are attached hereto as Exhibit A.

7. Upon information and belief, Applicant Midway Trading Corp. (“Applicant”) is a California corporation with an address of 130 Battery Street, San Francisco CA 94111.

8. Upon information and belief, Applicant is either the successor in interest to, or otherwise in or formerly in privity with, Twin Ace Holding Corp., Tanduary Distillers, Inc., Dual Trading, Inc., Garner and Garner International, Inc., FBC Worldwide, LLC, and Guy A. Taylor.

9. By the application herein opposed, Serial No. 85/834,409, Applicant seeks to register the above-noted TANDUAY mark for “rum” in International Class 33.

10. Applicant filed its application for Applicant’s Mark on January 28, 2013 based on purported use since March 29, 2012, long after Opposer commenced use of Opposer’s Marks and registered those marks in the United States, and long after Opposer’s Marks became famous.

11. Applicant’s Mark is confusingly similar to Opposer’s Marks.

12. The goods for which Applicant seeks registration are closely related to or identical to those in connection with which Opposer uses Opposer’s Marks in the United States.

13. Upon information and belief, the products sold in connection with Opposer’s Marks and the products set forth in Applicant’s Application Serial No. 85/834,409 are intended to be directed to similar or identical classes of purchasers and to be distributed through similar or identical channels of trade in the United States.

14. On October 21, 1993, Twin Ace Holding Corp. filed application Serial No. 74/449,156 to register the TANDUAY RHUM mark for rum. During the prosecution of

application Serial No. 74/449,156, Twin Ace Holding Corp. disclaimed “rum” from the application.

15. On September 28, 1995, United Distillers PLC initiated Opposition No. 99,435 against application Serial No. 74/449,156 on the ground that the applied-for mark was likely to be confused with United Distillers PLC’s registered TANQUERAY and TANQUERAY STERLING marks. United Distillers PLC’s notice of opposition recited ownership of Reg. Nos. 120,024 and 1,438,675 of the TANQUERAY mark, upon both of which Opposer relies in this proceeding.

16. On June 3, 1997, following Twin Ace Holding Corp.’s failure to respond to United Distillers PLC’s notice of opposition in Opposition No. 99,435, the Board entered a default judgment against Twin Ace Holding Corp. Twin Ace Holding Corp. did not appeal the Board’s order of default, and that order therefore was, and remains, a final judgment on the merits of United Distillers PLC’s claims.

17. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of the mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.

18. Opposer also will be damaged by the registration sought by Applicant because such registration is likely to dilute the distinctive qualities of the famous Opposer’s Marks.

19. Registration should be refused pursuant to Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), on the grounds that Applicant’s Mark so closely resembles Opposer’s Marks as to be likely, when used on or in connection with the goods identified in the

Application, to cause confusion, or to cause mistake, or to deceive, with the consequent injury to Opposer and to the public.

20. Registration should be refused pursuant to Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), on the grounds that Applicant's Mark will cause the likely dilution of the distinctive qualities of Opposer's Marks.

21. Registration should be refused pursuant to the doctrine of claim preclusion. Specifically, there is an identity between the parties and their privities in Opposition No. 99,435 and in this proceeding, the Board's June 3, 1997 order in Opposition No. 99,435 represents a final judgment on the merits, and Opposer's claims and Applicant's defenses and counterclaim in this proceeding are based on the same transactional facts and reflect the same causes of action as those in Opposition No. 99,435.

Opposer therefore will be damaged by the registration of Applicant's TANDUAY mark for the goods identified in Application Serial Number 85/834,409 and respectfully requests that the opposition be sustained and registration of said mark be denied.

Respectfully submitted,

/s/ Theodore H. Davis Jr.
Theodore H. Davis Jr.
Sabina A. Vayner

Kilpatrick Townsend & Stockton LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia 30309-4528
404-815-6500 (tel.)
404-815-6555 (fax)

Counsel for Opposer Diageo Brands
Diageo Brands B.V.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Diageo Brands B.V.,)	
)	
Opposer,)	
)	Opposition No. 91214312
v.)	
)	
Midway Trading Corp.,)	
)	
Applicant.)	

CERTIFICATE OF SERVICE

I certify that a copy of the attached pleading has been served on counsel of record via
first-class mail addressed to

Lisa Greenwald-Swire, Esq.
Fish & Richardson PC
500 Arguello Street
Suite 500
Redwood City, CA 94063

on June 25, 2015.

/s/ Theodore H. Davis Jr.
Counsel for Opposer Diageo Brands
Diageo Brands B.V.

Exhibit A

Generated on: This page was generated by TSDR on 2015-06-25 17:43:19 EDT

Mark: TANQUERAY

TANQUERAY

US Serial Number: 71106422 Application Filing Date: Sep. 25, 1917
US Registration Number: 120024 Registration Date: Jan. 01, 1918
Register: Principal
Mark Type: Trademark
Status: The registration has been renewed.
Status Date: Dec. 13, 2007

Mark Information

Mark Literal Elements: TANQUERAY
Standard Character Claim: No
Mark Drawing Type: 5 - AN ILLUSTRATION DRAWING WITH WORD(S) /LETTER(S)/ NUMBER(S) INSTYLIZED FORM

Related Properties Information

Publish Previously Registered Mark: Yes
Previously Registered Mark Publication Date: May 03, 1966

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: DRY GIN
International Class(es): 033 U.S Class(es): 049 - Primary Class
Class Status: ACTIVE
Basis: 1(a)
First Use: Dec. 1892 Use in Commerce: Dec. 1892

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: DIAGEO BRANDS B.V.
Owner Address: MOLENWERF 10-12
AMSTERDAM 1014 BG
NETHERLANDS
Legal Entity Type: PRIVATE LIMITED COMPANY State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer J. Millones Docket Number: TANQ-0001-US
Attorney Primary Email Address: trademarks@diageo.com Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer J. Millones
DIAGEO NORTH AMERICA, INC.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES

Phone: 203-229-2100

Correspondent e-mail: diageodocketing@ashurst.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jennifer J. Millones

Phone: (203) 229-7152

Fax: (203) 229-8925

Domestic Representative e-mail: trademarks@diageo.com

Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Jan. 15, 2009	CASE FILE IN TICRS	
Dec. 13, 2007	REGISTERED AND RENEWED (FIFTH RENEWAL - 10 YRS)	69934
Dec. 13, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Dec. 05, 2007	ASSIGNED TO PARALEGAL	69934
Dec. 03, 2007	TEAS SECTION 8 & 9 RECEIVED	
Oct. 29, 1998	REGISTERED AND RENEWED (FOURTH RENEWAL - 10 YRS)	
Mar. 26, 1998	REGISTERED - SEC. 9 FILED/CHECK RECORD FOR SEC. 8	
Jan. 01, 1978	REGISTERED AND RENEWED (THIRD RENEWAL - 20 YRS)	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

Renewal Date: Jan. 01, 2008

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: SCANNING ON DEMAND

Date in Location: Jan. 15, 2009

Assignment Abstract Of Title Information

Summary

Total Assignments: 7

Registrant: GORDON'S DRY GIN COMPANY, LIMITED, THE

Assignment 1 of 7

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0883/0563](#)

Pages: 5

Date Recorded: Aug. 04, 1992

Supporting Documents: No Supporting Documents Available

Assignor

Name: [CHARLES TANQUERAY & CO. LIMITED](#)

Execution Date: Jan. 21, 1992

Legal Entity Type: COMPANY

State or Country Where Organized: UNITED KINGDOM

Assignee

Name: [UNITED DISTILLERS PLC](#)

Legal Entity Type: COMPANY

State or Country Where Organized: UNITED KINGDOM

Address: DISTILLERS HOUSE

33 ELLERSLY RD.
EDINBURGH EH12 6JW, SCOTLAND

DBA, AKA, TA, Formerly: DBA CHARLES TANQUERAY & CO.

Correspondent

Correspondent Name: MASON, FENWICK & LAWRENCE

Correspondent Address: PAUL F. KILMER
1225 EYE STREET, N.W., STE. 1000
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 7

Conveyance: CHANGE OF NAME

Reel/Frame: [1649/0690](#)

Pages: 6

Date Recorded: Oct. 20, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: [UNITED DISTILLERS P.L.C.](#)

Execution Date: Jul. 09, 1997

Legal Entity Type: PUBLIC LIMITED COMPANY

**State or Country Where
Organized:** UNITED KINGDOM

Assignee

Name: [UNITED DISTILLERS LIMITED](#)

Legal Entity Type: PRIVATE LIMITED COMPANY

**State or Country Where
Organized:** UNITED KINGDOM

Address: 33 ELLERSLY ROAD
EDINBURGH EH12 6JWW, SCOTLAND

Correspondent

Correspondent Name: ROBIN, BLECKER, DALEY & DRISCOLL

Correspondent Address: ALBERT ROBIN
330 MADISON AVENUE
NEW YORK, NY 10017

Domestic Representative - Not Found

Assignment 3 of 7

Conveyance: CHANGE OF NAME

Reel/Frame: [1708/0108](#)

Pages: 2

Date Recorded: Mar. 30, 1998

Supporting Documents: No Supporting Documents Available

Assignor

Name: [UNITED DISTILLERS LIMITED](#)

Execution Date: Feb. 27, 1998

Legal Entity Type: A UNITED KINGDOM PRIVATE LIMITED
COMPANY

**State or Country Where
Organized:** No Place Where Organized Found

Assignee

Name: [UNITED DISTILLERS & VINTNERS \(ER\) LIMITED](#)

Legal Entity Type: A UNITED KINGDOM PRIVATE LIMITED
COMPANY

**State or Country Where
Organized:** No Place Where Organized Found

Address: COMPANIES HOUSE, EDINBURGH
SCOTLAND, SCOTLAND

Correspondent

Correspondent Name: ROBIN, BLECKER & DALEY

Correspondent Address: ALBERT ROBIN
330 MADISON AVENUE
NEW YORK NY 10017

Domestic Representative - Not Found

Assignment 4 of 7

Conveyance: ASSIGNS THE ENTIRE INTEREST

Reel/Frame: [2006/0699](#)

Pages: 4

Date Recorded: Dec. 20, 1999

Supporting Documents: [assignment-tm-2006-0699.pdf](#)

Assignor

Name: [UNITED DISTILLERS & VINTNERS \(ER\)
LIMITED](#)

Execution Date: Dec. 16, 1999

Legal Entity Type: A PRIVATE LIMITED COMPANY UNITED
KINGDOM

**State or Country Where
Organized:** No Place Where Organized Found

Assignee	
Name: ST JAMES'S GATE HOLDINGS LIMITED	
Legal Entity Type: A PRIVATE LIMITED COMPANY	State or Country Where Organized: No Place Where Organized Found
Address: 8 HENRIETTA PLACE LONDON W1M 9AG, UNITED KINGDOM	
Correspondent	
Correspondent Name: MORGAN, LEWIS & BOCKIUS LLP	
Correspondent Address: KAREN A. BUTCHER 1800 M STREET, N.W. WASHINGTON, D.C. 20036-5869	
Domestic Representative - Not Found	
Assignment 5 of 7	
Conveyance: ASSIGNS THE ENTIRE INTEREST	
Reel/Frame: 2016/0592	Pages: 5
Date Recorded: Dec. 20, 1999	
Supporting Documents: assignment-tm-2016-0592.pdf	
Assignor	
Name: ST JAMES'S GATE HOLDINGS LIMITED	Execution Date: Dec. 16, 1999
Legal Entity Type: A PRIVATE LIMITED COMPANY	State or Country Where Organized: UNITED KINGDOM
Assignee	
Name: UDV AMSTERDAM B.V.	
Legal Entity Type: CORPORATION	State or Country Where Organized: NETHERLANDS
Address: NL-1014 BA KABELWEG 37 AMSTERDAM, NETHERLANDS	
Correspondent	
Correspondent Name: MORGAN, LEWIS & BOCKIUS LLP	
Correspondent Address: ATTN: TMSU 1800 M STREET, N.W. WASHINGTON, D.C. 20036-5869	
Domestic Representative - Not Found	
Assignment 6 of 7	
Conveyance: CHANGE OF NAME	
Reel/Frame: 2361/0532	Pages: 5
Date Recorded: Aug. 16, 2001	
Supporting Documents: assignment-tm-2361-0532.pdf	
Assignor	
Name: UDV AMSTERDAM B.V.	Execution Date: Dec. 04, 2000
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: NETHERLANDS
Assignee	
Name: GUINNESS UNITED DISTILLERS & VINTNERS AMSTERDAM B.V.	
Legal Entity Type: LIMITED LIABILITY COMPANY	State or Country Where Organized: NETHERLANDS
Address: MOLENWERF 10-12 1014 BG AMSTERDAM, NETHERLANDS	
Correspondent	
Correspondent Name: MORGAN, LEWIS & BOCKIUS LLP	
Correspondent Address: KAREN A. BUTCHER, ESQ. ATTN: TMSU 1800 M STREET, N.W. WASHINGTON, D.C. 20036	
Domestic Representative - Not Found	
Assignment 7 of 7	
Conveyance: MERGER	
Reel/Frame: 2812/0411	Pages: 6
Date Recorded: Mar. 17, 2004	
Supporting Documents: assignment-tm-2812-0411.pdf	

Assignor	
Name:	GUINNESS UNITED DISTILLERS & VINTNERS AMSTERDAM B.V. Execution Date: Jan. 28, 2004
Legal Entity Type:	PRIVATE LIMITED COMPANYState or Country Where Organized: NETHERLANDS
Assignee	
Name:	DIAGEO BRANDS B.V. State or Country Where Organized: NETHERLANDS
Legal Entity Type:	PRIVATE LIMITED COMPANY
Address:	MOLENWERF 10-12 AMSTERDAM, NETHERLANDS 1014 BG
Correspondent	
Correspondent Name:	K. ALTOFF C/O MORGAN, LEWIS & BOCKIUS
Correspondent Address:	1111 PENNSYLVANIA AVE. NW WASHINGTON, DC 20004
Domestic Representative - Not Found	

Proceedings

Summary
Number of Proceedings: 4

Type of Proceeding: Opposition	
Proceeding Number: 91214312	Filing Date: Jan 06, 2014
Status: Pending	Status Date: Jan 06, 2014
Interlocutory Attorney: MARY CATHERINE FAINT	

Defendant
Name: Midway Trading Corp.
Correspondent Address: LISA GREENWALD-SWIRE FISH & RICHARDSON PC P O BOX 1022 MINNEAPOLIS MN , 55440-1022 UNITED STATES
Correspondent e-mail: tmdoctc@fr.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TANDUAY	Opposition Pending	85834409	
Plaintiff(s)			

Name: Diageo Brands B.V.
Correspondent Address: THEODORE H DAVIS JR KILPATRICK TOWNSEND & STOCKTON LLP 1100 PEACHTREE STREET, STE. 2800 ATLANTA GA , 30309-4528 UNITED STATES
Correspondent e-mail: tdavis@ktslaw.com , svayner@ktslaw.com , kteilhaber@ktslaw.com , tmadmin@ktslaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Section 8 and 15 - Accepted and Acknowledged	77219142	3369110
TANQUERAY	Renewed	78291585	2874913

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 06, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2014	Feb 15, 2014
3	PENDING, INSTITUTED	Jan 06, 2014	
4	ANSWER	Feb 17, 2014	
5	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS	Mar 07, 2014	

	OR COUNTERCLAIM	
6	D AUTHORIZATION OF CHARGE	Mar 07, 2014
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 11, 2014
8	SUSPENDED	Apr 11, 2014
9	TRIAL DATES RESET	Jun 04, 2014
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 18, 2014
11	SUSPENDED	Jun 18, 2014
12	P APPEARANCE / POWER OF ATTORNEY	Sep 08, 2014
13	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Sep 08, 2014
14	D OPP/RESP TO MOTION	Sep 26, 2014
15	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 11, 2014
16	P REPLY IN SUPPORT OF MOTION	Oct 15, 2014
17	P'S MOT TO DISMISS COUNTERCLAIM DENIED; TRIAL DATES RESET	Dec 22, 2014
18	CHANGE OF CORRESP ADDRESS	Jan 08, 2015
19	ANSWER TO COUNTERCLAIM	Jan 08, 2015
20	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015
21	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015

Type of Proceeding: Opposition

Proceeding Number: [91188476](#)

Filing Date: Jan 21, 2009

Status: Terminated

Status Date: Jul 02, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Timothy Pleasant

Correspondent Address: Timothy Pleasant
6609 Cambium Pine Avenue
Las Vegas NV , 89130
UNITED STATES

Correspondent e-mail: ike@aok-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANGARAY	Abandoned - After Inter-Partes Decision	77455353	

Plaintiff(s)

Name: Diageo Brands B.V.

Correspondent Address: Theodore H. Davis Jr., Jonathan D. Goins
Kilpatrick Stockton LLP
1100 Peachtree Street NE, Suite 2800
Atlanta GA , 30309-4530
UNITED STATES

Correspondent e-mail: tdavis@kilpatrickstockton.com , jgoins@kilstock.com , tmadmin@kilpatrickstockton.com , trademarks@diageo.com, rgordon@kilstock.com, tmadmin@kilstock.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	78291585	2874913
T TANQUERAY RANGPUR	Section 8 and 15 - Accepted and Acknowledged	78948712	3365849
TANQUERAY	Renewed	78304987	3019653

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 21, 2009	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 21, 2009	Mar 02, 2009
3	PENDING, INSTITUTED	Jan 21, 2009	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Jan 30, 2009	

5	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 31, 2009	Apr 30, 2009
6	RESPONSE DUE 30 DAYS (DUE DATE)	May 18, 2009	Jun 17, 2009
7	BOARD'S DECISION: SUSTAINED	Jul 02, 2009	
8	TERMINATED	Jul 02, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91179561](#)

Filing Date: Sep 06, 2007

Status: Terminated

Status Date: Jun 02, 2008

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Freshies Food Corporation

Correspondent Address: N. REID NEUREITER
JACOBS CHASE FRICK KLEINKOPF & KELLEY
1050 17TH ST STE 1500
DENVER CO , 80265-1500
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANGERITA	Abandoned - After Inter-Partes Decision	78933736	

Plaintiff(s)

Name: DIAGEO BRANDS B.V.

Correspondent Address: JAMES H. SULLIVAN
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
ATLANTA GA , 30309
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Renewed	78291585	2874913

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 06, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 18, 2007	Oct 28, 2007
3	PENDING, INSTITUTED	Sep 18, 2007	
4	ANSWER	Oct 29, 2007	
5	WITHDRAWAL OF APPLICATION	May 22, 2008	
6	BOARD'S DECISION: SUSTAINED	Jun 02, 2008	
7	TERMINATED	Jun 02, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91113367](#)

Filing Date: Mar 08, 1999

Status: Terminated

Status Date: Jun 11, 1999

Interlocutory Attorney: CHARLES GRENDEL

Defendant

Name: TANDUAY DISTILLERS, INC.

Correspondent Address: DAVID R. HAARZ
DICKENSON WRIGHT PLLC
1901 L STREET N.W., STE. 800
WASHINGTON DC , 20036
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANDUAY	Abandoned - After Inter-Partes Decision	75519876	

Plaintiff(s)

Name: UNITED DISTILLERS & VINTNERS (ER) LIMITED

Correspondent Address: ALBERT ROBIN
ROBIN, BLECKER & DALEY
330 MADISON AVENUE
NEW YORK NY , 10017
UNITED STATES

Associated marks			
Mark	Application Status	Serial Number	Registration Number

TANQUERAY	Renewed	71106422	120024
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Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 08, 1999	
2	NOTICE SENT; TRIAL DATES RESET; ANSWER DUE	Mar 30, 1999	May 09, 1999
3	PENDING, INSTITUTED	Mar 30, 1999	
4	D'S MOT FOR EXTEN. OF TIME W/ CONSENT	May 05, 1999	
5	WITHDRAWAL OF APPLICATION	Jun 01, 1999	
6	BD'S DECISION: DISMISSED W/O PREJUDICE	Jun 11, 1999	
7	TERMINATED	Jun 11, 1999	

Int. Cl.: 33

Prior U.S. Cl.: 49

Reg. No. 120,024

United States Patent and Trademark Office

Registered Jan. 1, 1918

10 Year Renewal

Renewal Term Begins Jan. 1, 1998

TRADEMARK
PRINCIPAL REGISTER

TANQUERAY

UNITED DISTILLERS & VINTNERS
(ER) LIMITED (UNITED KINGDOM
PRIVATE LIMITED COMPANY),

33 ELLERSLY ROAD

EDINBURGH EH12 6JW, SCOTLAND,
BY CHANGE OF NAME, ASSIGN-
MENT, ASSIGNMENT, CHANGE OF
NAME AND CHANGE OF NAME
FROM GORDON'S DRY GIN COMPA-
NY, LIMITED, THE (NEW YORK COR-
PORATION) NEW YORK, NY

FOR: DRY GIN, IN CLASS 49 (INT.
CL. 33).

FIRST USE 12-0-1892; IN COMMERCE
12-0-1892.

SER. NO. 71-106,422, FILED 9-25-1917.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Dec. 8, 1998.*

COMMISSIONER OF PATENTS AND TRADEMARKS

Amendment

Registered January 1, 1918

Registration No. 120,024

The Gordon's Dry Gin Company, Limited

Application to amend having been made by Charles Tanqueray & Co. Limited, owner of the registration above identified, the drawing is amended to appear as follows:

TANQUERAY

Such amendment has been entered upon the records of the Patent Office and the said original registration should be read as so amended.
Signed and sealed this 9th day of November 1965.

[SEAL]

PUBLISHED UNDER
SEC. 12(C) IN O. G. *First Assistant Commissioner of Patents.*

EDWIN L. REYNOLDS

MAY 3 1966

U. S. PATENT OFFICE

UNITED STATES PATENT OFFICE.

THE GORDON'S DRY GIN COMPANY, LIMITED, OF NEW YORK, N. Y.

TRADE-MARK FOR DRY GIN AND OLD TOM GIN.

120,024.

Registered Jan. 1, 1918.

Application filed September 25, 1917. Serial No. 106,422.

STATEMENT.

To all whom it may concern:

Be it known that THE GORDON'S DRY GIN COMPANY, LIMITED, a corporation duly organized under the laws of the State of New York, and located at No. 101 Park avenue, borough of Manhattan, city, county, and State of New York, and doing business at said address, has adopted and used the trade-mark shown in the accompanying drawing, for dry gin and Old Tom gin, in Class 49, Distilled alcoholic liquors.

The trade-mark has been continuously

used in the business of the said corporation and its predecessor since December, 1892.

The trade-mark is applied or affixed to the goods by placing a label bearing said trade-mark on the bottles containing said goods, and also by stamping or printing said trade-mark on the containers of bottles containing said goods, such as cases and boxes.

THE GORDON'S DRY GIN

COMPANY, LIMITED,

By JOHN M. CHAPMAN,

Vice-President.

TANQUERAY

DECLARATION.

State of New York county of New York ss:
JOHN M. CHAPMAN being duly sworn deposes and says:

That he is the vice-president of the corporation, the applicant named in the foregoing statement; that he believes the foregoing statement is true; that he believes said corporation is the owner of the trade-mark sought to be registered and no other person, firm, corporation or association to the best of his knowledge and belief, has the right to use said trade-mark in the United States, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; that said trade-mark is used by said corporation in commerce among the several States of the United States; that

the description and drawing presented truly represent the trade-mark sought to be registered; that the specimens show the trade-mark as actually used upon the goods; that the trade-mark has been in actual use as a trade-mark for gin by the applicant and its predecessors from whom it derived title, for twenty-five years last past, and to the best of his knowledge and belief such use has been exclusive.

JOHN M. CHAPMAN.

Subscribed and sworn to before me a notary public, this 22nd day of September, 1917.

[L. S.]

R. C. BEAZELL,
Notary Public.

Copies of this trade-mark may be obtained for five cents each, by addressing the "Commissioner of Patents, Washington, D. C."

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Mark: TANQUERAY

US Serial Number: 73609770

Application Filing Date: Jul. 16, 1986

US Registration Number: 1438675

Registration Date: May 05, 1987

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 09, 2007

Publication Date: Feb. 10, 1987

Mark Information

Mark Literal Elements: TANQUERAY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0120024, 0897970

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: GIN [AND GIN BASED DRINKS]

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 01, 1986

Use in Commerce: Jul. 01, 1986

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: DIAGEO BRANDS B.V.

Owner Address: MOLENWERF 10-12
AMSTERDAM 1014 BG
NETHERLANDS

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Millones
Attorney Primary Email Address: trademarks@diageo.com
Docket Number: TANQ-0001-US
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Millones
DIAGEO NORTH AMERICA, INC.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES
Phone: 203-229-2100
Correspondent e-mail: diageodocketing@ashurst.com
Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: B. PARKER LIVINGSTON, JR.

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 09, 2007	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	75461
May 09, 2007	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	
Apr. 27, 2007	ASSIGNED TO PARALEGAL	75461
Mar. 28, 2007	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	
Mar. 28, 2007	TEAS SECTION 8 & 9 RECEIVED	
Nov. 02, 2006	CASE FILE IN TICRS	
Jun. 08, 1993	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	
Mar. 05, 1993	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	
May 05, 1987	REGISTERED-PRINCIPAL REGISTER	
Feb. 10, 1987	PUBLISHED FOR OPPOSITION	
Jan. 11, 1987	NOTICE OF PUBLICATION	
Dec. 02, 1986	APPROVED FOR PUB - PRINCIPAL REGISTER	
Nov. 28, 1986	EXAMINER'S AMENDMENT MAILED	
Nov. 13, 1986	ASSIGNED TO EXAMINER	62342

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: May 05, 2007

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: POST REGISTRATION

Date in Location: May 09, 2007

Assignment Abstract Of Title Information

Summary

Total Assignments: 7

Registrant: CHARLES TANQUERAY & CO. LIMITED

Assignment 1 of 7

Conveyance: ASSIGNS THE ENTIRE INTEREST AND THE GOODWILL

Reel/Frame: [0883/0563](#)

Pages: 5

Date Recorded: Aug. 04, 1992

Supporting Documents: No Supporting Documents Available

Assignor

Name: [CHARLES TANQUERAY & CO. LIMITED](#)
Legal Entity Type: COMPANY

Execution Date: Jan. 21, 1992
State or Country Where Organized: UNITED KINGDOM

Assignee

Name: [UNITED DISTILLERS PLC](#)
Legal Entity Type: COMPANY

State or Country Where Organized: UNITED KINGDOM

Address: DISTILLERS HOUSE
33 ELLERSLY RD.
EDINBURGH EH12 6JW, SCOTLAND

DBA, AKA, TA, Formerly: DBA CHARLES TANQUERAY & CO.

Correspondent

Correspondent Name: MASON, FENWICK & LAWRENCE

Correspondent Address: PAUL F. KILMER
1225 EYE STREET, N.W., STE. 1000
WASHINGTON, DC 20005

Domestic Representative - Not Found

Assignment 2 of 7

Conveyance: CHANGE OF NAME

Reel/Frame: [1649/0690](#)

Pages: 6

Date Recorded: Oct. 20, 1997

Supporting Documents: No Supporting Documents Available

Assignor

Name: [UNITED DISTILLERS P.L.C.](#)
Legal Entity Type: PUBLIC LIMITED COMPANY

Execution Date: Jul. 09, 1997
State or Country Where Organized: UNITED KINGDOM

Assignee

Name: [UNITED DISTILLERS LIMITED](#)
Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: UNITED KINGDOM

Address: 33 ELLERSLY ROAD
EDINBURGH EH12 6JWW, SCOTLAND

Correspondent

Correspondent Name: ROBIN, BLECKER, DALEY & DRISCOLL

Correspondent Address: ALBERT ROBIN
330 MADISON AVENUE
NEW YORK, NY 10017

Domestic Representative - Not Found

Assignment 3 of 7

Conveyance: CHANGE OF NAME

Reel/Frame: [1758/0402](#)

Pages: 7

Date Recorded: Jul. 20, 1998

Supporting Documents: [assignment-tm-1758-0402.pdf](#)

Assignor

Name: [UNITED DISTILLERS LIMITED](#)
Legal Entity Type: CORPORATION

Execution Date: Feb. 27, 1998
State or Country Where Organized: UNITED KINGDOM

Assignee

Name: [UNITED DISTILLERS & VINTNERS \(ER\) LIMITED](#)
Legal Entity Type: CORPORATION

State or Country Where Organized: UNITED KINGDOM

Address: 33 ELLERSLY ROAD
EDINBURGH, SCOTLAND EH 12 6JW

Correspondent

Correspondent Name: ROBIN, BLECKER & DALEY

Correspondent Address: ALBERT ROBIN
330 MADISON AVENUE
NEW YORK, NY 10017

Domestic Representative - Not Found**Assignment 4 of 7****Conveyance:** ASSIGNS THE ENTIRE INTEREST**Reel/Frame:** [2006/0699](#)**Pages:** 4**Date Recorded:** Dec. 20, 1999**Supporting Documents:** [assignment-tm-2006-0699.pdf](#)**Assignor****Name:** [UNITED DISTILLERS & VINTNERS \(ER\) LIMITED](#)**Execution Date:** Dec. 16, 1999**Legal Entity Type:** A PRIVATE LIMITED COMPANY UNITED KINGDOM**State or Country Where Organized:** No Place Where Organized Found**Assignee****Name:** [ST JAMES'S GATE HOLDINGS LIMITED](#)**Legal Entity Type:** A PRIVATE LIMITED COMPANY**State or Country Where Organized:** No Place Where Organized Found**Address:** 8 HENRIETTA PLACE
LONDON W1M 9AG, UNITED KINGDOM**Correspondent****Correspondent Name:** MORGAN, LEWIS & BOCKIUS LLP**Correspondent Address:** KAREN A. BUTCHER
1800 M STREET, N.W.
WASHINGTON, D.C. 20036-5869**Domestic Representative - Not Found****Assignment 5 of 7****Conveyance:** ASSIGNS THE ENTIRE INTEREST**Reel/Frame:** [2016/0592](#)**Pages:** 5**Date Recorded:** Dec. 20, 1999**Supporting Documents:** [assignment-tm-2016-0592.pdf](#)**Assignor****Name:** [ST JAMES'S GATE HOLDINGS LIMITED](#)**Execution Date:** Dec. 16, 1999**Legal Entity Type:** A PRIVATE LIMITED COMPANY**State or Country Where Organized:** UNITED KINGDOM**Assignee****Name:** [UDV AMSTERDAM B.V.](#)**Legal Entity Type:** CORPORATION**State or Country Where Organized:** NETHERLANDS**Address:** NL-1014 BA
KABELWEG 37
AMSTERDAM, NETHERLANDS**Correspondent****Correspondent Name:** MORGAN, LEWIS & BOCKIUS LLP**Correspondent Address:** ATTN: TMSU
1800 M STREET, N.W.
WASHINGTON, D.C. 20036-5869**Domestic Representative - Not Found****Assignment 6 of 7****Conveyance:** CHANGE OF NAME**Reel/Frame:** [2361/0532](#)**Pages:** 5**Date Recorded:** Aug. 16, 2001**Supporting Documents:** [assignment-tm-2361-0532.pdf](#)**Assignor****Name:** [UDV AMSTERDAM B.V.](#)**Execution Date:** Dec. 04, 2000**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** NETHERLANDS**Assignee****Name:** [GUINNESS UNITED DISTILLERS & VINTNERS AMSTERDAM B.V.](#)**Legal Entity Type:** LIMITED LIABILITY COMPANY**State or Country Where Organized:** NETHERLANDS**Address:** MOLENWERF 10-12
1014 BG AMSTERDAM, NETHERLANDS**Correspondent**

Correspondent Name: MORGAN, LEWIS & BOCKIUS LLP

Correspondent Address: KAREN A. BUTCHER, ESQ.
ATTN: TMSU
1800 M STREET, N.W.
WASHINGTON, D.C. 20036

Domestic Representative - Not Found

Assignment 7 of 7

Conveyance: MERGER

Reel/Frame: [2812/0411](#)

Pages: 6

Date Recorded: Mar. 17, 2004

Supporting Documents: [assignment-tm-2812-0411.pdf](#)

Assignor

Name: [GUINNESS UNITED DISTILLERS & VINTNERS
AMSTERDAM B.V.](#)

Execution Date: Jan. 28, 2004

Legal Entity Type: PRIVATE LIMITED COMPANY

**State or Country Where
Organized:** NETHERLANDS

Assignee

Name: [DIAGEO BRANDS B.V.](#)

Legal Entity Type: PRIVATE LIMITED COMPANY

**State or Country Where
Organized:** NETHERLANDS

Address: MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014 BG

Correspondent

Correspondent Name: K. ALTOFF C/O MORGAN, LEWIS & BOCKIUS

Correspondent Address: 1111 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20004

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91214312](#)

Filing Date: Jan 06, 2014

Status: Pending

Status Date: Jan 06, 2014

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Midway Trading Corp.

Correspondent Address: LISA GREENWALD-SWIRE
FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS MN , 55440-1022
UNITED STATES

Correspondent e-mail: tmdoctc@fr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANDUAY	Opposition Pending	85834409	

Plaintiff(s)

Name: Diageo Brands B.V.

Correspondent Address: THEODORE H DAVIS JR
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET, STE. 2800
ATLANTA GA , 30309-4528
UNITED STATES

Correspondent e-mail: tdavis@ktslaw.com , svayner@ktslaw.com , kteilhaber@ktslaw.com , tmadmin@ktslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Section 8 and 15 - Accepted and	77219142	3369110

TANQUERAY Acknowledged
Renewed [78291585](#) [2874913](#)

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 06, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2014	Feb 15, 2014
3	PENDING, INSTITUTED	Jan 06, 2014	
4	ANSWER	Feb 17, 2014	
5	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Mar 07, 2014	
6	D AUTHORIZATION OF CHARGE	Mar 07, 2014	
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 11, 2014	
8	SUSPENDED	Apr 11, 2014	
9	TRIAL DATES RESET	Jun 04, 2014	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 18, 2014	
11	SUSPENDED	Jun 18, 2014	
12	P APPEARANCE / POWER OF ATTORNEY	Sep 08, 2014	
13	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Sep 08, 2014	
14	D OPP/RESP TO MOTION	Sep 26, 2014	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 11, 2014	
16	P REPLY IN SUPPORT OF MOTION	Oct 15, 2014	
17	P'S MOT TO DISMISS COUNTERCLAIM DENIED; TRIAL DATES RESET	Dec 22, 2014	
18	CHANGE OF CORRESP ADDRESS	Jan 08, 2015	
19	ANSWER TO COUNTERCLAIM	Jan 08, 2015	
20	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015	
21	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015	

Type of Proceeding: Opposition

Proceeding Number: [91179561](#)

Filing Date: Sep 06, 2007

Status: Terminated

Status Date: Jun 02, 2008

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Freshies Food Corporation

Correspondent Address: N. REID NEUREITER
JACOBS CHASE FRICK KLEINKOPF & KELLEY
1050 17TH ST STE 1500
DENVER CO , 80265-1500
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANGERITA	Abandoned - After Inter-Partes Decision	78933736	

Plaintiff(s)

Name: DIAGEO BRANDS B.V.

Correspondent Address: JAMES H. SULLIVAN
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
ATLANTA GA , 30309
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Renewed	78291585	2874913

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 06, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 18, 2007	Oct 28, 2007
3	PENDING, INSTITUTED	Sep 18, 2007	
4	ANSWER	Oct 29, 2007	
5	WITHDRAWAL OF APPLICATION	May 22, 2008	
6	BOARD'S DECISION: SUSTAINED	Jun 02, 2008	
7	TERMINATED	Jun 02, 2008	

Type of Proceeding: Opposition

Proceeding Number: [91095630](#)

Filing Date: Nov 04, 1994

Status: Terminated

Status Date: Aug 13, 1996

Interlocutory Attorney:

Defendant

Name: WILLIAM GRANT & SONS, INC.

Correspondent Address: B. PARKER LIVINGSTON, JR.
SUITE 1000
1225 EYE STREET, N.W.
WASHINGTON DC , 20005
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUILA	Abandoned - After Inter-Partes Decision	74477021	

Plaintiff(s)

Name: UNITED DISTILLERS PLC,

Correspondent Address: ALBERT ROBIN
ROBIN, BLECKER, DALEY & DRISCOLL
330 MADISON AVENUE
NEW YORK NY , 10017
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	73609770	1438675

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Nov 04, 1994	
2	NOTICE SENT; ANSWER DUE (DUE DATE)	Nov 29, 1994	Jan 09, 1995
3	PENDING, INSTITUTED	Nov 29, 1994	
4	DEF'S REQ TO EXT TIME W/CON	Jan 09, 1995	
5	NOTICE OF DEFAULT	Nov 27, 1995	
6	BOARD'S DECISION: SUSTAINED	Aug 13, 1996	
7	TERMINATED	Aug 13, 1996	

Int. Cl.: 33

Prior U.S. Cl.: 49

United States Patent and Trademark Office **Reg. No. 1,438,675**
Registered May 5, 1987

**TRADEMARK
PRINCIPAL REGISTER**

TANQUERAY

CHARLES TANQUERAY & CO. LIMITED
(UNITED KINGDOM LIMITED LIABILITY
COMPANY)
260/266 GOSWELL ROAD
LONDON E.C. 1, ENGLAND

FOR: GIN AND GIN BASED DRINKS, IN
CLASS 33 (U.S. CL. 49).

FIRST USE 6-1-1986; IN COMMERCE
7-1-1986.

OWNER OF U.S. REG. NOS. 120,024 AND
897,970.

SER. NO. 609,770, FILED 7-16-1986.

ELLEN M. DEVINE, EXAMINING ATTORNEY

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Mark: TANQUERAY

TANQUERAY

US Serial Number: 77219142	Application Filing Date: Jun. 29, 2007
US Registration Number: 3369110	Registration Date: Jan. 15, 2008
Filed as TEAS Plus: Yes	Currently TEAS Plus: Yes
Register: Principal	
Mark Type: Trademark	
Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.	
Status Date: Dec. 29, 2013	
Publication Date: Oct. 30, 2007	

Mark Information

Mark Literal Elements: TANQUERAY
Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US Registrations: 0120024, 1438675

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Distilled Spirits	
International Class(es): 033 - Primary Class	U.S Class(es): 047, 049
Class Status: ACTIVE	
Basis: 1(a)	
First Use: Jun. 01, 1986	Use in Commerce: Jul. 01, 1986

Basis Information (Case Level)

Filed Use: Yes	Currently Use: Yes	Amended Use: No
Filed ITU: No	Currently ITU: No	Amended ITU: No
Filed 44D: No	Currently 44D: No	Amended 44D: No
Filed 44E: No	Currently 44E: No	Amended 44E: No
Filed 66A: No	Currently 66A: No	
Filed No Basis: No	Currently No Basis: No	

Current Owner(s) Information

Owner Name: Diageo Brands B.V.	
Owner Address: Molenwerf 10-12 Amsterdam 1014 BG NETHERLANDS	
Legal Entity Type: PRIVATE LIMITED COMPANY	State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney Name: Jennifer J. Millones	Attorney of Record	Docket Number: 81095175
--	---------------------------	--------------------------------

Attorney Primary Email trademarks@diageo.com
Address:

Attorney Email No
Authorized:

Correspondent

Correspondent Name/Address: Jennifer J. Millones
DIAGEO NORTH AMERICA, INC.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES

Phone: 203-229-2100

Correspondent e-mail: diageodocketing@ashurst.com

Correspondent e-mail Authorized: Yes

Domestic Representative

Domestic Representative Name: Jennifer J. Millones

Phone: (203) 229-2100

Fax: (203) 845-5925

Domestic Representative e-mail: trademarks@diageo.com

Domestic Representative e-mail Authorized: No

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Dec. 29, 2013	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - MAILED	
Dec. 29, 2013	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	71378
Dec. 18, 2013	REGISTERED - SEC. 8 (6-YR) & SEC. 15 FILED	71378
Dec. 29, 2013	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	71378
Dec. 18, 2013	TEAS SECTION 8 & 15 RECEIVED	
Jan. 15, 2008	REGISTERED-PRINCIPAL REGISTER	
Oct. 30, 2007	PUBLISHED FOR OPPOSITION	
Oct. 10, 2007	NOTICE OF PUBLICATION	
Sep. 23, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	65864
Sep. 23, 2007	ASSIGNED TO LIE	65864
Aug. 18, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 18, 2007	ASSIGNED TO EXAMINER	82087
Jul. 03, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMO LAW OFFICE 111

Date in Location: Dec. 29, 2013

Proceedings

Summary

Number of Proceedings: 1

Type of Proceeding: Opposition

Proceeding Number: [91214312](#)

Filing Date: Jan 06, 2014

Status: Pending

Status Date: Jan 06, 2014

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Midway Trading Corp.

Correspondent Address: LISA GREENWALD-SWIRE

FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS MN , 55440-1022
UNITED STATES

Correspondent e-mail: tmdoctc@fr.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TANDUAY	Opposition Pending	85834409	
Plaintiff(s)			

Name: Diageo Brands B.V.

Correspondent Address: THEODORE H DAVIS JR
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET, STE. 2800
ATLANTA GA , 30309-4528
UNITED STATES

Correspondent e-mail: tdavis@ktslaw.com , svayner@ktslaw.com , kteilhaber@ktslaw.com , tmadmin@ktslaw.com

Associated marks			
Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Section 8 and 15 - Accepted and Acknowledged	77219142	3369110
TANQUERAY	Renewed	78291585	2874913

Prosecution History			
Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 06, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2014	Feb 15, 2014
3	PENDING, INSTITUTED	Jan 06, 2014	
4	ANSWER	Feb 17, 2014	
5	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Mar 07, 2014	
6	D AUTHORIZATION OF CHARGE	Mar 07, 2014	
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 11, 2014	
8	SUSPENDED	Apr 11, 2014	
9	TRIAL DATES RESET	Jun 04, 2014	
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 18, 2014	
11	SUSPENDED	Jun 18, 2014	
12	P APPEARANCE / POWER OF ATTORNEY	Sep 08, 2014	
13	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Sep 08, 2014	
14	D OPP/RESP TO MOTION	Sep 26, 2014	
15	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 11, 2014	
16	P REPLY IN SUPPORT OF MOTION	Oct 15, 2014	
17	P'S MOT TO DISMISS COUNTERCLAIM DENIED; TRIAL DATES RESET	Dec 22, 2014	
18	CHANGE OF CORRESP ADDRESS	Jan 08, 2015	
19	ANSWER TO COUNTERCLAIM	Jan 08, 2015	
20	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015	
21	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015	

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,369,110

Registered Jan. 15, 2008

**TRADEMARK
PRINCIPAL REGISTER**

TANQUERAY

DIAGEO BRANDS B.V. (NETHERLANDS PRIVATE LIMITED COMPANY)

MOLENWERF 10-12

AMSTERDAM 1014 BG, NETHERLANDS

FOR: DISTILLED SPIRITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 6-1-1986; IN COMMERCE 7-1-1986.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 120,024 AND 1,438,675.

SER. NO. 77-219,142, FILED 6-29-2007.

NAKIA HENRY, EXAMINING ATTORNEY

Generated on: This page was generated by TSDR on 2015-06-25 17:42:43 EDT

Mark: TANQUERAY

US Serial Number: 78291585

Application Filing Date: Aug. 25, 2003

US Registration Number: 2874913

Registration Date: Aug. 17, 2004

Register: Principal

Mark Type: Trademark

Status: The registration has been renewed.

Status Date: May 21, 2014

Publication Date: May 25, 2004

Mark Information

Mark Literal Elements: TANQUERAY

Standard Character Claim: No

Mark Drawing Type: 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

Related Properties Information

Claimed Ownership of US Registrations: 0120024, 1438675, 1620291, 2058035, 2141421, 2507896 and others

Goods and Services

Note: The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Alcoholic beverages, namely vodka

International Class(es): 033 - Primary Class

U.S Class(es): 047, 049

Class Status: ACTIVE

Basis: 1(a)

First Use: May 18, 1989

Use in Commerce: May 18, 1989

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: DIAGEO BRANDS B.V.

Owner Address: MOLENWERF 10-12
AMSTERDAM 1014 BG
NETHERLANDS

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where Organized: NETHERLANDS

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Jennifer Hamilton
Attorney Primary Email Address: trademarks@diageo.com
Docket Number: TANQ-0001-US
Attorney Email Authorized: Yes

Correspondent

Correspondent Name/Address: Jennifer Hamilton
DIAGEO NORTH AMERICA, INC.
801 MAIN AVENUE
NORWALK, CONNECTICUT 06851-1127
UNITED STATES
Phone: 203-229-2100
Correspondent e-mail Authorized: diageodocketing@ashurst.com Yes

Domestic Representative

Domestic Representative Name: Jennifer Hamilton
Domestic Representative e-mail: trademarks@diageo.com
Phone: 203.229.7135
Domestic Representative e-mail Authorized: Yes

Prosecution History

Date	Description	Proceeding Number
Mar. 31, 2015	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
May 21, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 9 - E-MAILED	
May 21, 2014	REGISTERED AND RENEWED (FIRST RENEWAL - 10 YRS)	66607
May 21, 2014	REGISTERED - SEC. 8 (10-YR) ACCEPTED/SEC. 9 GRANTED	66607
May 08, 2014	REGISTERED - COMBINED SECTION 8 (10-YR) & SEC. 9 FILED	66607
May 20, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	66607
May 08, 2014	TEAS SECTION 8 & 9 RECEIVED	
Sep. 29, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68335
Sep. 10, 2009	ASSIGNED TO PARALEGAL	68335
Sep. 01, 2009	TEAS SECTION 8 & 15 RECEIVED	
Aug. 17, 2004	REGISTERED-PRINCIPAL REGISTER	
May 25, 2004	PUBLISHED FOR OPPOSITION	
May 05, 2004	NOTICE OF PUBLICATION	
Feb. 23, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Feb. 21, 2004	ASSIGNED TO EXAMINER	73712

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted
Affidavit of Incontestability: Section 15 - Accepted
Renewal Date: Aug. 17, 2014

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: GENERIC WEB UPDATE
Date in Location: May 21, 2014

Assignment Abstract Of Title Information

Summary

Total Assignments: 1
Registrant: DIAGEO BRANDS B.V.

Assignment 1 of 1

Conveyance: MERGER

Reel/Frame: [2812/0411](#)

Pages: 6

Date Recorded: Mar. 17, 2004

Supporting Documents: [assignment-tm-2812-0411.pdf](#)

Assignor

Name: [GUINNESS UNITED DISTILLERS & VINTNERS
AMSTERDAM B.V.](#)

Execution Date: Jan. 28, 2004

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where
Organized: NETHERLANDS

Assignee

Name: [DIAGEO BRANDS B.V.](#)

Legal Entity Type: PRIVATE LIMITED COMPANY

State or Country Where
Organized: NETHERLANDS

Address: MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014 BG

Correspondent

Correspondent Name: K. ALTOFF C/O MORGAN, LEWIS & BOCKIUS

Correspondent Address: 1111 PENNSYLVANIA AVE. NW
WASHINGTON, DC 20004

Domestic Representative - Not Found

Proceedings

Summary

Number of Proceedings: 3

Type of Proceeding: Opposition

Proceeding Number: [91214312](#)

Filing Date: Jan 06, 2014

Status: Pending

Status Date: Jan 06, 2014

Interlocutory Attorney: MARY CATHERINE FAINT

Defendant

Name: Midway Trading Corp.

Correspondent Address: LISA GREENWALD-SWIRE
FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS MN , 55440-1022
UNITED STATES

Correspondent e-mail: tmdoct@fr.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANDUAY	Opposition Pending	85834409	

Plaintiff(s)

Name: Diageo Brands B.V.

Correspondent Address: THEODORE H DAVIS JR
KILPATRICK TOWNSEND & STOCKTON LLP
1100 PEACHTREE STREET, STE. 2800
ATLANTA GA , 30309-4528
UNITED STATES

Correspondent e-mail: tdavis@ktslaw.com , svayner@ktslaw.com , kteilhaber@ktslaw.com , tmadmin@ktslaw.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Section 8 and 15 - Accepted and Acknowledged	77219142	3369110
TANQUERAY	Renewed	78291585	2874913

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 06, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 06, 2014	Feb 15, 2014

3	PENDING, INSTITUTED	Jan 06, 2014
4	ANSWER	Feb 17, 2014
5	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Mar 07, 2014
6	D AUTHORIZATION OF CHARGE	Mar 07, 2014
7	D MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 11, 2014
8	SUSPENDED	Apr 11, 2014
9	TRIAL DATES RESET	Jun 04, 2014
10	STIP TO SUSP PEND SETTL NEGOTIATIONS	Jun 18, 2014
11	SUSPENDED	Jun 18, 2014
12	P APPEARANCE / POWER OF ATTORNEY	Sep 08, 2014
13	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Sep 08, 2014
14	D OPP/RESP TO MOTION	Sep 26, 2014
15	SUSP PEND DISP OF OUTSTNDNG MOT	Oct 11, 2014
16	P REPLY IN SUPPORT OF MOTION	Oct 15, 2014
17	P'S MOT TO DISMISS COUNTERCLAIM DENIED; TRIAL DATES RESET	Dec 22, 2014
18	CHANGE OF CORRESP ADDRESS	Jan 08, 2015
19	ANSWER TO COUNTERCLAIM	Jan 08, 2015
20	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015
21	D APPEARANCE / POWER OF ATTORNEY	Mar 17, 2015

Type of Proceeding: Opposition

Proceeding Number: [91188476](#)

Filing Date: Jan 21, 2009

Status: Terminated

Status Date: Jul 02, 2009

Interlocutory Attorney: ANDREW P BAXLEY

Defendant

Name: Timothy Pleasant

Correspondent Address: Timothy Pleasant
6609 Cambium Pine Avenue
Las Vegas NV , 89130
UNITED STATES

Correspondent e-mail: ike@aok-law.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANGARAY	Abandoned - After Inter-Partes Decision	77455353	

Plaintiff(s)

Name: Diageo Brands B.V.

Correspondent Address: Theodore H. Davis Jr., Jonathan D. Goins
Kilpatrick Stockton LLP
1100 Peachtree Street NE,Suite 2800
Atlanta GA , 30309-4530
UNITED STATES

Correspondent e-mail: tdavis@kilpatrickstockton.com , jgoins@kilstock.com , tmadmin@kilpatrickstockton.com , trademarks@diageo.com,rgordon@kilstock.com,tmadmin@kilstock.com

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	78291585	2874913
T TANQUERAY RANGPUR	Section 8 and 15 - Accepted and Acknowledged	78948712	3365849
TANQUERAY	Renewed	78304987	3019653

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 21, 2009	

2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 21, 2009	Mar 02, 2009
3	PENDING, INSTITUTED	Jan 21, 2009	
4	D'S REQUEST TO WITHDRAW AS ATTORNEY	Jan 30, 2009	
5	RESPONSE DUE 30 DAYS (DUE DATE)	Mar 31, 2009	Apr 30, 2009
6	RESPONSE DUE 30 DAYS (DUE DATE)	May 18, 2009	Jun 17, 2009
7	BOARD'S DECISION: SUSTAINED	Jul 02, 2009	
8	TERMINATED	Jul 02, 2009	

Type of Proceeding: Opposition

Proceeding Number: [91179561](#)

Filing Date: Sep 06, 2007

Status: Terminated

Status Date: Jun 02, 2008

Interlocutory Attorney: ELIZABETH WINTER

Defendant

Name: Freshies Food Corporation

Correspondent Address: N. REID NEUREITER
JACOBS CHASE FRICK KLEINKOPF & KELLEY
1050 17TH ST STE 1500
DENVER CO , 80265-1500
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANGERITA	Abandoned - After Inter-Partes Decision	78933736	

Plaintiff(s)

Name: DIAGEO BRANDS B.V.

Correspondent Address: JAMES H. SULLIVAN
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET
ATLANTA GA , 30309
UNITED STATES

Associated marks

Mark	Application Status	Serial Number	Registration Number
TANQUERAY	Renewed	71106422	120024
TANQUERAY	Renewed	73609770	1438675
TANQUERAY	Renewed	78291585	2874913

Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Sep 06, 2007	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Sep 18, 2007	Oct 28, 2007
3	PENDING, INSTITUTED	Sep 18, 2007	
4	ANSWER	Oct 29, 2007	
5	WITHDRAWAL OF APPLICATION	May 22, 2008	
6	BOARD'S DECISION: SUSTAINED	Jun 02, 2008	
7	TERMINATED	Jun 02, 2008	

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 2,874,913

Registered Aug. 17, 2004

**TRADEMARK
PRINCIPAL REGISTER**

TANQUERAY

DIAGEO BRANDS B.V. (NETHERLANDS PRIVATE LIMITED COMPANY)
MOLENWERF 10-12
AMSTERDAM, NETHERLANDS 1014 BG

OWNER OF U.S. REG. NOS. 120,024, 2,507,896 AND OTHERS.

FOR: ALCOHOLIC BEVERAGES, NAMELY VODKA, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 78-291,585, FILED 8-25-2003.

FIRST USE 5-18-1989; IN COMMERCE 5-18-1989.

JASON TURNER, EXAMINING ATTORNEY